



United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

**MEMORANDUM**

**SUBJECT:** Request for Removal Action at the CES Environmental Services, Inc. Site,  
Houston, Harris County, Texas

**FROM:** Gary Moore, On-Scene Coordinator  
Prevention and Response Branch, Removal Team (6SF-PR)

**TO:** Carl Edlund, Director  
Superfund Division

**THRU:** Ronald D. Crossland, Associate Director  
Response and Prevention Branch (6SF-P)

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval of the selected removal action described herein in accordance with the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604, for the CES Environmental Services Site, Houston, Harris County, Texas. This time-critical removal action provides for the removal of the threat to human health and the environment posed by abandoned chemicals.

The proposed plan of action meets the criteria for initiating a removal action under Section 300.415 of the National Contingency Plan (NCP), 40 C.F.R. § 300.415. This action is expected to require less than twelve months (from mobilization) and \$2 million to complete.

**II. SITE CONDITIONS AND BACKGROUND**

CERCLIS:	TXD008950461
Category of Removal:	Time Critical
Site ID:	A6JP
Latitude:	29.6984
Longitude:	-95.3435

## A. Site Description

### 1. Removal Site Evaluation

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. The Site is under the control of a Trustee appointed by the Bankruptcy Court. Limited action has been taken by the Trustee to dispose of the chemicals located on the Site. The Site has recently experienced vandalism which has resulted in the spillage of chemicals and waste to the ground surface. This spillage was addressed by both the Trustee and the Texas Commission on Environmental Quality (TCEQ). The Trustee is attempting to clean up the site for the purpose of selling the property to recover assets for creditors. The Trustee is limited on funding which may make the cleanup of the property difficult. The site consists of approximately vacuum boxes, XX frac tanks, XX Aboveground Storage Tanks (ASTs), Waste Piles, and numerous totes, drums, and smaller containers.

### 2. Physical Location

The Site is located at 4904 Griggs Road, Houston, Harris County, TX. Other contiguous properties associated with the site are 4900 Griggs Road, and 5910 Wayland Street. The Site is surrounded by residential properties and a school.

### 3. Site Characteristics

The Site is a former chemical recycling facility. As previously mentioned, there are numerous chemical containers located on-site including sample jars, buckets, drums, totes, ASTs, tanker trailers, vacuum boxes, and frac tanks. These containers are not being actively managed or secured to prevent releases to the environment.

### 4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

On or about April 9, 2014, a release occurred from the facility which resulted in a Houston Hazmat Team response. The Trustee through its consultant hired a response contractor to address the spill. The spill resulted in a very chemically aromatic odor to (creosol/styrene) emanate from the facility into the residential neighborhood resulting in numerous citizen complaints.

The information provided by the Trustee's consultant shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substance include but are not limited to:

	VB640	VB6042	VB25141	VB639	VB618	VB2567	VB610
Benzene (D018)	•	•	•	•	•	•	•
Creosol (D023-026)	•	•	•			•	
2,4,6-Trichlorophenol (D042)	•		•			•	
pH (D002)					•		
Ignitability (D001)					•		•

	Oil 1	Oil 2	Oil 3	Oil 7	Oil 8	Oil 9	OT 2	OT 3	OT6	OT 7
Benzene (D018)	•	•	•	•	•	•	•	•	•	•
Creosol (D023-026)									•	
MEK (D035)										
1,2-Dichloroethane (D028)			•							

These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

#### 5. NPL Status

This Site is not currently on the National Priorities List (NPL).

#### 6. Maps, Pictures and Other Graphic Representations

Attachment 1 Site Location Map

Attachment 2 Site Area Map

Attachment 3 Sample Data from Trustee

Attachment 4 Enforcement Attachment (Confidential)

B. Other Actions to Date

1. Previous Actions

On May XX, 2014, the TCEQ Houston Regional Office conducted an emergency action at the site which include securing the entry gate on Wayland Street, relocating some chemical containers from warehouse on Wayland Street, placing piles of contaminated debris on visqueen and covered by visqueen, using sand to place containment or repair containment around chemical containers to provide secondary containment.

2. Current Actions

The TCEQ is currently working with the Trustee to take action on certain containers that are leaking which include VB601, VB617, and 3 Waste Piles. These actions are expected to be completed by July 30, 2014.

C. State and Local Authorities' Role

1. State and Local Actions to Date

See II.B.1 above.

2. Potential for continued State/Local response

The EPA is currently discussing the continued actions the TCEQ will conduct. Those actions are anticipated to be the investigation and cleanup of any contamination to at or below ground surface.

The EPA will work with the City of Houston on disposing of illegal waste dumping material along Wayland Street and to provide water and other city services as may be necessary to clean up the Site.

**III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT AND STATUTORY AND REGULATORY AUTHORITIES**

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a removal action. Paragraphs (b)(2)(i), (iii), (iv) and (vii) directly apply to the conditions at the Site. Any one of these factors may be sufficient to determine whether a removal action is appropriate.

A. Threats to Public Health or Welfare

1. Exposure to Human Populations, Animals or the Food Chain, NCP Section 300.415(b)(2)(i).

The Site is surrounded by residential and commercial properties and a school. The Site is not completely secured and some of the fencing around the property is in poor condition which would allow trespassers to enter the Site. The chemical containers have not been maintained or were not intended for long-term storage. Releases from these containers may result in exposures to the surrounding population

2. High Levels of Hazardous Substances or Pollutants or Contaminants Soils Largely at or Near the Surface, that May Migrate, NCP Section 300.415(b)(2)(iv).

The soil areas of the Site have not been investigated but are expected to have been contaminated as a result of the historic operations of the facility as well as the recent vandalism resulting in chemical spillage and dumping of roll-off boxes full of chemical contaminated debris.

3. Weather Conditions that may Cause Hazardous Substances or Pollutants or Contaminants to Migrate or be Released,, NCP Section 300.415(b)(2)(v).

The Site is located near the Texas Gulf Coast and is subject to severe weather conditions including significant thunderstorms, flooding rainfall, tropical storms and hurricanes. These conditions could rupture containers and cause releases which could impact surrounding residential population and properties as well as causing releases to storm water systems that drain to the Houston Ship Channel and Gulf of Mexico.

4. Threat of Fire or Explosion, NCEP Section 300.415(b)(2)(vi)

The Site is abandoned which make it subject to possible arson. Additionally, lightning strikes and mixing of incompatible wastes could result in fire or explosion. A fire or explosion would result in a potential inhalation exposure to the surrounding populations.

5. Availability of Other Response Mechanisms, NCP Section 300.415(b)(2)(vii).

The TCEQ has requested assistance from the EPA to address the chemical contamination located on the Site. The EPA intends to address the chemical containers and visible contamination located on the Site. The TCEQ will complete the action by addressing soil and subsurface contamination as well as any off-site contamination.

## B. Threats to the Environment

It is unlikely that there would be a significant ecological impact resulting from the contamination on the Site. This Site poses more of a human health threat due primarily to potential exposure to the chemicals located on the Site.

## IV. **ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances, pollutants or contaminants from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health, welfare, or the environment.

## V. **PROPOSED ACTIONS AND ESTIMATED COSTS**

### A. Proposed Actions

#### 1. Proposed Action Description

The EPA anticipates the following activities:

- Removing and disposing of chemicals located within on-site containers and piping;
- Decontaminating and disposing/recycling of chemical jars, pails, drums, totes, and similar containers;
- Decontaminating portable containers, aboveground storage tanks, vacuum tanks, frac tanks, piping;
- Removing/Disposing of visible chemical spillage to soil and other surfaces;
- Removing/Disposing of contaminated and non-contaminated debris;

#### 2. Contribution to Remedial Performance

Although a Remedial Action is not anticipated, this action is consistent with any potential Remedial Action that would be conducted at this Site.

#### 3. Applicable or Relevant and Appropriate Requirements

This removal action will be conducted to eliminate the actual or potential release of a hazardous substance, pollutant, or contaminant to the environment, pursuant to CERCLA, 42 U.S.C. § 9601 *et seq.*, in a manner consistent with the NCP, 40 C.F.R. Part 300. As per 40 C.F.R. § 300.415(i), Fund-financed removal actions pursuant to CERCLA Section 104, 42 U.S.C. § 9604, and removal actions pursuant to CERCLA Section 106, 42 U.S.C. § 9606, shall, to the extent practicable considering the exigencies of the situation, attain the

applicable or relevant and appropriate requirements under Federal environmental law, including the Toxic Substances and Control Act (TSCA), 15 U.S.C. § 2601 et. seq., the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300 et. seq., the Clean Air Act (CAA), 42 U.S.C. § 7401 et. seq., Clean Water Act (CWA), 33 U.S.C. § 1251 et. seq., the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et. seq., or any promulgated standard, applicable or relevant and appropriate requirements, criteria, or limitation under a state environmental or facility citing law that is more stringent than any Federal standard, requirement, criteria, or limitation contained in a program approved, authorized or delegated by the Administrator and identified to the President by the state.

Due to the fact that consolidation and offsite disposal are the principal elements of this removal action, RCRA waste analysis requirements found at 40 C.F.R. §§ 261.20 and 261.30, RCRA manifesting requirements found at 40 C.F.R. § 262.20, and RCRA packaging and labeling requirements found at 40 C.F.R. § 262.30 are deemed to be relevant and appropriate requirements for this removal action. Because onsite storage of hazardous wastes by EPA is not expected to exceed ninety days, specific storage requirements found at 40 CFR Part 265 are not applicable or relevant and appropriate (See 40 CFR § 262.34). All hazardous substances, pollutants, or contaminants removed offsite for treatment, storage, or disposal shall be treated, stored, or disposed at a facility in compliance, as determined by EPA, pursuant to 40 CFR § 300.440. All offsite transportation of hazardous materials will be performed in conformity with U.S. Department of Transportation (DOT) requirements at 49 CFR § 172.

#### 4. Project Schedule

The EPA anticipates initiating such actions as quickly as possible to address the issues associated with the Site.

#### B. Estimated Costs

##### Extramural Costs:

ERRS	\$ 1,600,000
START-3	\$ 200,000
Contingency	\$ 200,000
 TOTAL EXTRAMURAL COSTS	 \$ 2,000,000

The total budget for this removal action based on full-cost accounting practices that will be eligible for cost recovery. The budgeted costs are estimated to be **\$ 2,900,400.**

$((\text{Direct Cost}) + (\text{Other Direct}) + (\text{Contingency})) + (45.02\% \text{ of Total Direct } \{\text{Indirect Cost}\}) = \text{Estimated EPA Cost for a Removal Action}$

$$\$ 1,600,000 + 200,000 + 200,000 + (45.02\% \times \$ 2,000,000) = \$ 2,900,400$$

Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2002. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only, and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor the deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

## **VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

The Trustee does not have the funding to address the chemicals and contamination located on the Site. If this response action is not taken, the surrounding residential populations may be exposed to chemicals resulting from spillage from the deteriorating containers located on the Site.

## **VII. OUTSTANDING POLICY ISSUES**

There are no known outstanding policy issues associated with this Site.

## **VIII. ENFORCEMENT**

See Enforcement Attachment.

## **IX. RECOMMENDATION**

This decision documents the selected removal action for the May Cooperage, Inc. Site, Houston, Harris County, Texas developed in accordance with CERCLA, 42 U.S.C. § 9601 et seq., and not inconsistent with the NCP, 40 C.F.R. Part 300. This action was based on the administrative record for the Site. Because the conditions at the Site meet the criteria defined in Section 300.415 and 300.305 of the NCP I recommend your approval of the proposed removal action. The total CERCLA extramural project ceiling if approved will be \$ 2,000,000. Of this, an estimated \$1,600,000 (without contingency) will come from the Regional Removal Allowance.



APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

Attachments